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| APPLICATION NO.                    | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------|-------------|------------------------|---------------------|------------------|
| 10/661,848                         | 09/12/2003  | Andrew W. Moehlenbrock | 031456/259348       | 8549             |
| 826                                | 7590        | 12/12/2008             | EXAMINER            |                  |
| ALSTON & BIRD LLP                  |             |                        | AUGHENBAUGH, WALTER |                  |
| BANK OF AMERICA PLAZA              |             |                        |                     |                  |
| 101 SOUTH TRYON STREET, SUITE 4000 |             |                        | ART UNIT            | PAPER NUMBER     |
| CHARLOTTE, NC 28280-4000           |             |                        | 1794                |                  |
|                                    |             |                        |                     |                  |
|                                    |             |                        | MAIL DATE           | DELIVERY MODE    |
|                                    |             |                        | 12/12/2008          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* ANDREW MOEHLENBROCK, GAUTAM SHAH  
and WENDY DUNLAP

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Application No. 10/661,848  
Technology Center 1700

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Mailed: December 12, 2008

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Before TOI JOHNSON *Review Paralegal*  
JOHNSON, *Review Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on November 12, 2008. A review of the application revealed that it is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**EXAMINER'S CONSIDERATION OF REPLY BRIEF**

A Reply Brief was filed in this application on April 15, 2008. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) consider the Reply Brief filed April 15, 2008 as indicated above; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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